



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

By June 2, 2023
defendants shall identify
Doe Officers 82 and 86 and
produce any body
worn camera footage or
state in affidavit form
from a person
within the NYPD all steps
taken to identify
May 30, 2023 the Doe Officers
82 and 86.

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SO ORDERED.
J. J. Martel, USA
5-31-23

BY ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Rodriguez, et al., v. The City of New York, et al.,
21 CV 10815 (PKC)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to the defense of defendants City of New York, former Mayor Bill de Blasio, former Chief of Police Terence Monahan, former Police Commissioner Dermot Shea, former Assistant Chief Kenneth Lehr, Sergeant Kenneth Rice, Officer Khalid Khachfe, Detective Nelson Nin, Officer Raul Flores, and Detective Fred Dorch ("City defendants") in the above-referenced matter. The City defendants write in furtherance of the Court's Order dated May 25, 2023, and Plaintiff's letter dated May 26, 2023.

As an initial matter, and in response to the Court's May 25th Order, the undersigned respectfully submits that neither he nor plaintiffs' counsel intended any disrespect to the Court nor to purposefully deviate from its Individual Rules. The undersigned consulted with plaintiff's counsel with regard to the Court's Individual Rules and both concluded that before any formal discovery motion was to be made, the Court required a request for an informal conference. I apologize for that misunderstanding to the Court.

Defendants also wish to inform the Court that the parties have, after a settlement conference with Magistrate Judge Figueredo, reached a settlement in principle with plaintiffs Maiuri and Niculescu. The only remaining claims are those brought by plaintiff Rodriguez.

With regard to the issue at hand. Defendants have confirmed that Detective Nin was present at Mott Haven on June 4, 2020; Defendants are still working on providing the body-worn camera footage from Detective Nin to the plaintiffs.

With regard to Doe Officers 82 and 86, the defendants are still attempting to search for the identities of these individuals. The helmet numbers which appear in the photographs described by plaintiff do not correspond with an active shield number for any officer who was at the June 4, 2020 Mott Haven protests. Defense counsel is continuing to work with counsel at the NYPD to attempt to see if these officers can be identified. In any event, with the Court's permission, defendants intend to inform plaintiff, no later than June 2, 2023, whether: (1) they have identified the officers, or (2) if they have made best efforts and if, despite those best efforts, they are unable to identify the officers.

Plaintiff asserts an argument with regard to the tolling of the statute of limitations in this matter. Defendants respectfully submit that such an argument requires a separate motion for tolling, but for the sake of the record, assert their objection to plaintiff's argument.

Respectfully submitted,

/s/ *Omar J. Siddiqi*

Senior Counsel

cc: BY ECF
Elena Cohen, Esq.
Attorneys for Plaintiffs